

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JULIO CESAR RIOS-ALONZO,

Defendant.

}

8:08CR311

ORDER

Defendant Julio Cesar Rios-Alonzo (Rios-Alonzo) appeared before the court on October 25, 2011, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 35). Rios-Alonzo was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Special Assistant U.S. Attorney Christopher L. Ferretti. Through his counsel, Rios-Alonzo waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Rios-Alonzo should be held to answer for a final dispositional hearing before Judge Laurie Smith Camp.

The government moved for detention. Through counsel, Rios-Alonzo declined to present any evidence or request a hearing on the issue of detention. Since it is Rios-Alonzo's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Rios-Alonzo has failed to carry his burden and Rios-Alonzo should be detained pending a dispositional hearing before Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:00 a.m. on January 9, 2012**. Defendant must be present in person.

2. Defendant Julio Cesar Rios-Alonzo is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 25th day of October, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge